

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUSTY LEE ROUSE,

Plaintiff,

v.

KEVIN HANSEN, *et al.*

Defendants.

CASE NO. 3:24-cv-05068-TL-GJL

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Grady J. Leupold as well as the remaining record, and no objections having been filed, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Medical Defendants' Motion to Dismiss (Dkt. 46) is DENIED in part and GRANTED in part:
 - (a) To the extent Count I is based on allegedly unsanitary conditions of confinement, Plaintiff's Fourteenth Amendment claim is DISMISSED against Defendants Bree Borden and Julia Rice.
 - (b) To the extent Count I is based on the alleged denial of mental health treatment, Plaintiff's Fourteenth Amendment claim is DISMISSED only as to Defendant Bree Borden for failure to allege personal participation.

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1 (3) The following claims shall proceed to discovery in this matter:

2 (a) Claim of Inadequate Medical Treatment for Opioid Withdrawals
3 against Defendants Julia Rice, Bree Borden, and Mason County;

4 (b) Claim of Inadequate Mental Health Treatment against Defendants
5 Julia Rice and Mason County.

6 (4) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for all
7 Defendants, and to the Hon. Grady J. Leupold.

8 **DATED** this 15th day of October, 2024.

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10 TANA LIN
11 United States District Judge
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